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SITUATION OF HUMAN RIGHTS IN THE TERRITORY OF THE FORMER YUGOSLAVIA

Seventh periodic report on the situation of human rights in the territory of the former Yugoslavia, submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 37 of Commission resolution 1994/72 of 9 March 1994

Situation in Gorazde

1. The enclave of Gorazde, situated in central Bosnia, had a pre-offensive population of some 60-65,000 of whom some 35,000 lived in the town of the same name. The population was and is predominantly Muslim. The enclave is part of the territory of and, until the offensive, was wholly under the control of the Government of Bosnia and Herzegovina. On 6 May 1993, by Security Council resolution 824 (1993), Gorazde, along with Sarajevo, Tuzla, Zepa and Bihac, was declared a safe area "free of armed attack". In resolution 836 (1993) of 4 June 1993, the Security Council, acting under Chapter VII of the Charter of the United Nations, extended the mandate of UNPROFOR to enable it to deter attacks against the safe areas.

2. The enclave of Gorazde, declared as a "safe area" by resolution of the Security Council, has been subjected to fierce attack by Bosnian Serb forces during the weeks up to late April 1994. The attack involved gross violations of human rights and humanitarian law and resulted in loss of control by government authorities of part of the territory of the "safe area". The Special Rapporteur has already drawn attention to these violations in his letter to the Chairman of the Commission on Human Rights dated 12 April 1994, and in his special appeal of 22 April 1994. In the letter to the Chairman of the Commission on Human Rights, the Special Rapporteur not only condemned the violations of human rights, calling for their immediate cessation, but also urged all States members of the Commission on Human Rights to use their good offices towards an amelioration of the situation.

3. The Special Rapporteur is aware of a number of incidents of military attacks on civilians, including sniping, throughout the past year. The greatest hardship, however, was caused by persistent interference with passage of humanitarian aid into the enclave. The result of these actions was such that in early January 1994, the Office of the United Nations High Commissioner for Refugees described the situation in Gorazde with respect to the need for aid as one of the worst in Bosnia and Herzegovina.

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4. Before the recent offensive residents of Serbian ethnic origin in the enclave do not appear to have been subjected to any significant level of harassment by the Bosnian Muslim population. Indeed, international observers have pointed to good community relations between Bosnian Serb and Muslim residents. At least one predominantly Serb village, visited by international observers, had been entirely unscathed by the war.

5. The offensive with which this report is primarily concerned was first heralded by military actions in the last days of March 1994, including the blocking of roads into the enclave, refusal to allow passage of convoys and the massing of troops at the edges of the safe area. The enclave was penetrated by Bosnian Serb forces in the area of Lastan and significant military gains were made quickly across the Drina valley. Within days the town of Gorazde came under intense attack, first in the suburbs and then in the centre itself. On 10 April NATO air strikes were launched as "close air support" for the protection of UNPROFOR personnel. A cease-fire was eventually established on 23 April, and forces were obligated to honour a timed withdrawal from military exclusion zones.

6. Following the cease-fire both governmental and Bosnian Serb forces continued to engage in military activity. Serious destruction has been caused during the withdrawal of attacking forces. They have also complicated the programme of medical evacuation from the enclave. According to international sources some 700 people were killed during the offensive and some 1,970 wounded. Deaths are continuing to occur due to sniping and other such incidents. During this and previous offensives, the town of Gorazde suffered damage to some 80 per cent of its buildings.

7. The early stages of the offensive were marked by the overrunning of a number of villages. By 5 March, some 13 had been taken in the Drina valley. The assaults on the villages involved widespread terrorization of the residents, eviction from and destruction of their homes, and the killing of livestock. Eye-witnesses have also attested to the commission of rape by groups of soldiers. The attacks on the villages of Stanici and Kordici are indicative of practices of the advancing troops. In these villages, a number of residents were summarily executed including elderly women and a handicapped man. Bodies of the dead were subsequently mutilated and decapitated. The Special Rapporteur has received information that tank rounds were fired directly into homes. At all stages of the offensive, villagers fled in fear of their lives, leaving behind homes, land and possessions. These people subsequently made their way to the town of Gorazde where there were no resources to meet even the most basic of their needs for shelter and food.

8. The military attacks on the town of Gorazde included numerous and clear violations of human rights and humanitarian law. Attacks included the deliberate targeting of civilian and highly sensitive vulnerable targets like hospitals and interference with attempts to bring care to those who were wounded. Most fatalities were caused by direct mortar and missile fire and shrapnel. Later in the offensive the number of sniper casualties rose.

9. The hospital was deliberately targeted on many occasions, causing heavy loss of life and wounding. The attacks on the hospital also made it impossible for the staff to meet the medical and surgical needs of the patients, many of whom died as a result. It was stated by the attackers that the hospital was in fact a "military command centre" and there were allegations of machine-gun emplacements on the roof and mortar launching equipment on the grounds. International observers, with first-hand knowledge of activities at the hospital, have stated that these allegations were entirely unfounded and that the hospital served no military function during the offensive. Also hit, with heavy loss of life, was a makeshift temporary hospital located in an apartment building. Other highly sensitive civilian targets included a number of refugee centres and the UNHCR warehouse.

10. During fighting the city lost its electricity supply and the water supply was halted by the Bosnian Serbs who gained control of the area surrounding the water station at Usanovic. They subsequently destroyed this facility. Lack of

running water obliged people to line up for water at wells, where they were exposed to sniper fire, and many were killed. The water shortage also presented a grave risk to health.

11. International observers present in Gorazde during the attacks have described how many wounded people had to be left untended due to the relentless assaults. They describe the cries of agony which could be heard on the streets for hours at a time. The Special Rapporteur has been informed of the deliberate targeting of vehicles employed in the ferrying of wounded people to the hospital.

12. It may be noted that the attack on the town of Gorazde involved the use of weapons of great destructive force. These included "aerosol bombs" and wire-guided missiles. An attack on the Vitkovici chemical plant resulted in risks of damage to the health of people and livestock and environmental damage following the piercing of containers of ammonium nitrate. Attacks prevented local authorities from effecting repairs to the plant.

13. A noteworthy feature of the Bosnian Serb offensive was the deliberate targeting of international personnel present in the town and elsewhere in the enclave. It would appear that the buildings housing UNHCR personnel and United Nations military observers were deliberately targeted, such as on 18 April. Also, clearly marked vehicles were targeted as were readily identifiable United Nations personnel in the course of their activities. Targeting of the United Nations military observers building came to be especially sinister in that it also endangered the lives of many individuals who had sought shelter there. A United Nations military observer was killed and his companion grievously wounded in the course of a field trip on 15 April.

14. International personnel also came to face threats to their lives and safety from residents of the enclave. It has been reliably reported that locals, angry with a perceived weak international response to their plight, threatened the international personnel. In particular there were accusations that the international personnel must be issuing misleading information to their headquarters. At a certain stage the local authorities provided some security for the international personnel but this could not be relied on, especially during attacks when the guards sought shelter. On at least one occasion, on 15 April, the guards assumed the role of jailers when they refused to permit two international personnel to participate in a helicopter evacuation from the enclave.

15. The cease-fire did not bring a halt to the violations of human rights. The retreating forces continued to cause havoc. In what international observers described as a "scorched earth" policy they destroyed property both in the suburbs of Gorazde and in outlying villages, and prevented repairs to the water station for some days by means of sniping. There continues to be sniping in a number of locations and United Nations personnel as well as locals have been targeted. Government forces have also engaged in sniping. On 17 May they fatally wounded a Ukrainian soldier attached to UNPROFOR.

16. At Rogatica, Dobrun and elsewhere, convoys which included emergency aid were blocked, delayed or otherwise impeded either by actions of Bosnian Serb authorities or civilians. These interferences undoubtedly increased the suffering of residents of Gorazde. In early May, at a time when 200 patients were crammed into a 40-bed facility, the de facto authorities blocked for six days the deployment of a mobile hospital in Gorazde. Interference also extended to the imposition of complicating and life-threatening delays to the programme of medical evacuation of wounded people, such as an insistence by Bosnian Serb authorities that all incoming and outgoing helicopters land for inspection at Sokolac (in territory controlled by them). In at least one incident at Sokolac Bosnian Serb troops imposed pressure on one Serb evacuee to leave the helicopter, which she did.

17. The present situation of Bosnian Serb residents of the enclave gives cause for concern. The Special Rapporteur has received reports of acts of harassment at the hands of members of the Muslim community and is aware of a

perceived fear on the part of local Serbs of escalating levels of such intimidation.

Conclusions

18. It is clear that war crimes have been committed in Gorazde. The perpetrators must be brought to justice.

19. Massive violations of human rights committed by Bosnian Serb forces also occurred. Above all others the rights to life and bodily integrity of residents of the enclave have been treated with contempt. Other rights fundamentally breached include those of property, the right to earn a livelihood, and of personal and family privacy and integrity. The rights of international personnel have also been gravely violated, not least through deliberate targeting.

20. The Special Rapporteur notes that government forces have been responsible for violations of human rights, though to a scale which is not comparable with that of the Bosnian Serb forces. He also notes with concern the indications of emerging animosity on the part of local Muslims against their Serb neighbours.

21. The Special Rapporteur acknowledges the extreme courage of many aid and medical workers in Gorazde. He is aware of the extent to which local and international personnel risked (and, in some cases of local personnel, lost) their lives, in the course of their humanitarian work. He also draws attention to the important service done by international personnel who maintained a steady flow of information out of the enclave throughout the offensive. He recalls that a source of reliable information is the first step towards the reversal of violations of human rights.

Recommendations

22. The Special Rapporteur has long urged that the safe areas be rendered secure and effective. He fully endorses the conclusions of the Secretary-General's report submitted to the Security Council pursuant to resolution 844 (1993)(S/1994/555), in particular "... the safe areas should be defined so that UNPROFOR may provide, within the limit of its resources under the 'light option', effective and credible protection to the population within the area. This in turn requires that the safe areas, described as 'towns and surroundings' in resolution 824 (1993), be clearly delineated, with due regard to the densely populated area" (para. 18).

23. Very many people were displaced during the offensive and at earlier stages of the conflict. All of them, irrespective of their ethnic origins, have a fundamental right to return to their properties and this must be ensured. Accordingly, local authorities should, with all possible assistance from the international community, be in a position to enable all property owners to repossess what is rightfully theirs.

24. It is urged that UNPROFOR retain a strong presence in the enclave to reassure the local population, to reduce risks of further attacks and to monitor closely the treatment of the local Serb minority population.

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